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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	18-CR-614 WHO
)	
Plaintiff,)	UNITED STATES' SENTENCING
)	MEMORANDUM
v.)	
)	Date: May 30, 2019
RAIN OLSON DAUGHERTY,)	Time: 1:30 p.m.
)	
Defendant.)	Hon. William H. Orrick, III

I. INTRODUCTION

Rain Daugherty is a former SFPD officer who robbed two banks. The undisputed Sentencing Guidelines determination calls for a sentence of between 37–46 months. In order to promote respect for the law, provide just punishment, and provide adequate deterrence, the United States respectfully requests that the Court impose a 37-month sentence.

II. BACKGROUND

In a two-week span in November and December 2018, Daugherty robbed two banks in San Francisco. PSR ¶¶ 7–8. First, on November 29, 2018, he walked into East West Bank on Irving Street, approached a bank teller, and slid over a note demanding cash in 50 and 100 dollar bills. PSR ¶ 7. Daugherty walked out with \$9,050. *Id.* Then, on December 13, 2018, he did the exact same thing at

Cathay Bank on Clement Street, this time walking out with \$1,450. *Id.* ¶ 8. Daugherty was charged with, and pled guilty to, two counts of bank robbery in violation of 18 U.S.C. § 2113(a).

This is Daugherty's first criminal conviction, but it's not his first time on the wrong side of law enforcement. In late 2017, after he offered to work as a driver for an elderly man with dementia, the man's bank cards and car keys went missing. PSR ¶ 40. When police officers searched Daugherty's apartment, they found the bank cards and car keys, as well as receipts of withdrawals from the victim's bank account. *Id.* Daugherty was charged for this offense in state court. He pled not guilty and the case is still pending.

IV. SENTENCING GUIDELINES CALCULATIONS

Pursuant to the plea agreement, the parties agree that the Sentencing Guidelines should be calculated as follows.

a.	Base Offense Level, U.S.S.G. § 2B3.1(a)	20
b.	Specific Offense Characteristic:	
	U.S.S.G. § 2B3.1(b)(1)	+2
	(Property of a financial institution)	
c.	Adjustments for Multiple Counts, U.S.S.G. § 3D1.4	+2
d.	Acceptance of Responsibility:	-3
e.	Adjusted Offense Level:	21

Daugherty falls within Criminal History Category I. The associated range is 37 - 46 months.

V. SENTENCING RECOMMENDATION

Daugherty's background distinguishes him from the vast majority of defendants sentenced in this Court. At the time he committed these crimes, he had spent over a decade working as a police officer with the SFPD. PSR ¶ 55.

This cuts both ways. Daugherty's prior service to this community merits consideration. But his professional background is also an aggravating factor. Daugherty is in a different position than defendants who have never been in positions of power. As someone who has worked with victims of violent crime, and who knows the workings of the criminal justice system inside and out, Daugherty was

1 in a better position than most to understand the impact of his conduct on the bank tellers that he robbed.

2 These robberies were serious and violent offenses. “Demands for money amount to intimidation
3 because they carry with them an implicit threat: if the money is not produced, harm to the teller or other
4 bank employee may result.” *United States v. Gilmore*, 282 F.3d 398, 402–03 (6th Cir. 2002). In order to
5 afford adequate general deterrence, promote respect for the law, and provide just punishment, the United
6 States respectfully requests that the Court impose a sentence at the low end of the Sentencing Guidelines
7 range: 37 months in custody.

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9 Dated: May 23, 2019

Respectfully submitted,

10 DAVID L. ANDERSON
11 United States Attorney

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14 /s/
AJAY KRISHNAMURTHY
15 Assistant United States Attorney
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